

1978 No. 374

MAGISTRATES' COURTS

Magistrates' Courts (Amendment) Rules (Northern Ireland) 1978

Made 13th December 1978

Coming into operation 1st February 1979

To be laid before Parliament

The Secretary of State in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a), on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules:

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1978 and shall come into operation on 1st February, 1979.

Amendment of the 1974 Rules

2. The provisions of the Magistrates' Courts Rules (Northern Ireland) 1974(b) specified in the first column of the Schedule are hereby amended to the extent specified in the second column.

Northern Ireland Office
13th December 1978

Roy Mason
One of Her Majesty's Principal
Secretaries of State

(a) 1964 c.21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541).
(b) S.R. 1974 No. 334 (II, p. 1541) as amended by S.R. 1977 No. 171 (II, p. 1001)

SCHEDULE

Amendments to Magistrates' Courts Rules (Northern Ireland) 1974

<i>Provision amended</i>	<i>Amendment</i>
Rule 19	<p>In paragraph (2), there shall be added at the beginning the words "Subject to paragraph (2A)".</p> <p>After paragraph (2) there shall be inserted the following paragraph:</p> <p>"(2A) Where a page of the Order Book contains more than one consecutive complete entry relating to proceedings determined by the same resident magistrate or justice of the peace on the same date, it shall be sufficient compliance with paragraph (2) as regards each such entry if he signs at the end of the last such entry."</p>
Rule 134	<p>In rule 134 after paragraph (1) there shall be inserted the following paragraph:</p> <p>"(1A) Where under section 1(2)(d) of the said Act of 1968 a party serves notice objecting to the statement being tendered in evidence, he shall at the same time serve a copy of the notice on the clerk of petty sessions."</p>
Rule 135	<p>In paragraph (3A) after the words "evidence as to his means" there shall be inserted the words "and as to his identity and place of abode".</p>

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport)

These rules amend the Magistrates' Courts Rules (Northern Ireland) 1974.

Rule 19 is amended to permit a resident magistrate or justice of the peace to authenticate more than one entry in the Order Book by a single signature where all the entries relate to proceedings before him on the same date and are recorded on the same page.

Rule 134 is amended to provide that a party serving notice objecting to the tendering in evidence of a written statement served on him under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 shall, in addition to serving such notice on the party proposing to tender it, serve a copy on the clerk of petty sessions.

Rule 135 is amended to enable a person authorised to take a recognisance to require a person offering himself as surety to it to produce evidence of his identity and place of abode.